

# BEST COPY AVAILABLE

PO 15-3  
 yf  
 R  
 (BNQ35)

ARGENTINA PROJECT (S200000040)

U.S. DEPT. OF STATE, A/RPS/TPS

Margaret P. Grafeld, Director

(X) Release ( ) Excise ( ) Deny

Exemption(s):

Declassify: ( ) In Part ( ) In Full

( ) Classify as ( ) Extend as ( ) Downgrade to  
 Date \_\_\_\_\_ Declassify on \_\_\_\_\_ Reason \_\_\_\_\_

Reason for the files—Yvonne Thayer

With Dr. Emilio Mignone

April 15, 1977 12-2 pm

- Mignone delivered copy of the Permanent Assembly's petition. He said it had been very carefully thought and worked out by a leading constitutional lawyer Genaro Carrizo with plenty of precedent examples so that the Supreme Court would be hard pressed to ignore it. He said he saw four possible responses from the Court:
- 1) refuse to act on case (doubtful they would flaunt public opinion so openly—lots of pressure on justices to use petition as vehicle by which to act)
  - 2) postpone a decision and in the meantime pressure govt to take steps to alleviate problem before hostile decision is made—by freeing many of the desaparecidos named or producing them, so that court can eventually decline that cause for a ruling exists (Mignone—most likely)
  - 3) ~~may~~ take positive action on a part of the petition. Petition asked that Court designate a judge to handle all special cases in which habeas corpus writs remain unanswered at lower court level, also asked that the habeas corpus be resolved on these specific 12 and another 413 cases. Court might try to resolve the cases named, but forego the special judge
  - 4) approve the whole petition. Petitioners believe that if special office with Court-designated judge requests info from Interior Ministry on no. of complaints, for example, or on specific cases, Ministry will be required to respond. If Ministry's records on complaints are revealed, it would approximate the list of persons disappeared in the country since most families have brought these cases to the attention of the Ministry. It would provide the first statistical info on the situation in country.

On Supreme Court justices; they are competent, honorable men, all but one have had careers in the judiciary. Problem is they tend to be bureaucratic, narrow, strict interpreters of their duties and responsibilities. Under Latin law there is very little latitude. The law determines the sentence, the seriousness of crime, etc, little room for judge to make determination. All evidence, testimony, etc has to be contained ~~in~~ the legal brief. Judges will exclude all other considerations, even ~~the~~ any special circumstances, the public environment etc. etc. when resolving a case. They will consider nothing but the letter of the law. Third, judges try to avoid political questions. They will interpret everything very narrowly and limit their rulings to strict judicial questions. They tend to grab onto one narrow legal question rather than approach the issue as a whole.

Mignone knows two of the justices: Judge Abelardo Rossi—retired

80 F 178  
 20/185

federal judge.

Also newest who has not had a judicial career  
Carlos Frias—a prominent Cordobes, intellectual, prof of  
public and constitutional law at U of Córdoba, served as Ambassador  
to Holland and the Vatican. Father was governor of Córdoba 30 years ago.  
Very prestigious family. Frias publishes a lot on federalism, public  
law, likely to have major input of Assembly's petition.

Dr. Emilio Lignone on Lanusse-Sajon-Graiver case

Lanusse has obvious political ambitions and is about to launch his campaign through publication of his "memoires. Sajon was one of the ghostwriters; it seems Hector Ferreiros helped too. Former Pres. Livingston loathes Lanusse for setting him up in the presidency only to pull him down and has joined with Saint Jean and the Navy to discredit Lanusse. The Bahia Blanca newspaper answers to Saint Jean and the Navy, which is control in area. The ~~complete~~ Graiver investigation report was completed and given to Videla some days ago. ~~Videla said~~ It will reveal that a number of banks, firms, gave the Montoneros "protection money" and that several banks had Montonero accounts; other economic corruption stories that will hurt some big VIPs, particularly those connected to Lanusse. Videla and Lanusse are on good terms. Videla stalled on taking action on Graiver report so the Bahia Blanca paper was fed stories to force release of ~~strong report~~ the material. Saint Jean then announced that Videla would have incredible story soon, again to force Videla to reveal contents and take steps against persons named, including Lanusse connections. The other victim will be Enrique, who as Minister of Social Welfare had Graiver as his undersecretary.

Diamond denies this.  
Cox didn't know

~~Journalist Ferreiros~~ La Opinion was to have been sold to Lanusse interests with Sajon as editor to support Lanusse's program and candidacy. No surprise that Timmerman and Jara were taken. Wouldn't be a surprise to have Lanusse kidnapped next. Motive is not to ~~kill~~ "get" Videla by forcing human rights issue. Problem is that the technique of midnight kidnappings has now spilled into areas of political and military infighting. Ferreiros was very close to Gen. Della Teia and the two were about to launch under Ferreiros' editorship a publication expounding Della Teia's political views and aspirations. Unexpected that Ferreiros would have been killed, unlikely that ~~Timmerman and Jara will be killed~~ anti-Lanusse forces will go so far as to kill Timmerman and Jara; However, should also be understood that foreign pres wr on behalf Timmerman, etc. won't make slightest impression on ~~kidnappers~~ persons involved. They would be perfectly happy to see moderate indecisive Videla fall as a by-product. Lignone said that next various factions within the Armed Forces will start killing each other off. Viva Argentina!